IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

TERESA SOPPET and LOIDY TANG, individually and on behalf of a class,	Case No. 1:10-cv-05469
Plaintiffs,	Judge Kennelly
-vs-	
ENHANCED RECOVERY COMPANY, LLC, as successor to ENHANCED RECOVERY	! !
CORPORATION,	
Defendant.	

MOTION FOR SUMMARY JUDGMENT

NOW COMES defendant, Enhanced Recovery Company, LLC, f/k/a Enhanced Recovery Corporation ("ERC"), through counsel, and pursuant to Fed. R. Civ. P. 56 and L.R. 56.1, who files this Motion for Summary Judgment, and incorporates the contemporaneously filed Statement of Uncontested Material Facts and supporting memorandum and affidavits.

Plaintiffs, Teresa Soppet and Loidy Tang, do not have statutory standing to assert claims under the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, for the calls made by ERC. Further, ERC had consent to make the subject calls. The Court, therefore, should dismiss plaintiffs' TCPA claims.

WHEREFORE, based on the foregoing, contemporaneously filed Statement of Uncontested Material Facts and supporting memorandum and affidavits, ERC respectfully requests that the Court grant the requested relief.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 18th day of April 2011 a copy of the foregoing **Motion for Summary Judgment** was filed electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system, including plaintiff's counsel, as described below. Parties may access this filing through the Court's system.

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